

Instructions on Filing a Notice of Appeal to the Wyoming Supreme Court

Once a final decision is made in your case by a District Court judge, the party in the case who did not win has the option to appeal that decision to the Wyoming Supreme Court. Appealing a decision means having a higher court review the decision made by the lower court. In your situation, the Wyoming Supreme Court is the higher court and the District Court is the lower court. When the Wyoming Supreme Court reviews the decision of the District Court, it may agree with the decision (affirm the decision), disagree with the decision (reverse the decision), and send the case back to the District Court, or a combination of the two (affirm in part, reverse in part.) The Wyoming Supreme Court's decision about the case is then controlling, which means that whatever the Wyoming Supreme Court decides becomes the law of that case.

In order for you to be able to appeal, there must be a final judgment or order issued by the District Court judge. You cannot appeal a case until there is a final decision by the court. Once there is a final decision, **you must file your appeal within 30 days from the date of that final judgment or order.** An appeal is started by filing a Notice of Appeal with the District Court. A copy of the Notice of Appeal must also be sent to the other party to the lawsuit **and** to the Clerk of the Wyoming Supreme Court.

Sometimes a trial will have a court reporter writing down everything that was said if you or another party requested it. Court reporters make a written record of everything that was said during a trial or hearing, but not all trials have a court reporter. **The written record is called a transcript.** If there was a court reporter at your trial, you should include the transcript in the record that you ask the Wyoming Supreme Court to look at on appeal. If that is the case, along with filing a Notice of Appeal, you will need to file a Certificate Concerning Transcripts and contact the court reporter who reported your trial and hearings to begin putting everything that was said onto paper. You will need to contact the court reporter by letter, and then follow up with him/her as needed. In a civil case, there may not have been many or any hearings or trials in front of the judge, so there may never have been a court reporter. **It is up to you to find out if there was a court reporter used in your case and if so, you must decide what part of the trial and/or hearings you want to be made into transcripts, if any.**

Having transcripts made costs money, which you will be need to pay. **If you do decide to have transcripts made, you need to arrange with the court reporter how you are going to pay for the transcripts and you must file in the District Court the Certificate Concerning Transcripts** at the time that you file your Notice of Appeal.

When you file your Notice of Appeal with the District Court, you must include a certified check or money order for \$70.00 made out to the District Court that heard your case and a separate check for \$95.00 made out to the Wyoming Supreme Court.

If you cannot afford to pay the filing fee of an appeal, you should consult Wyoming Rule of Appellate Procedure 2.09 for information about proceeding in forma pauperis (without paying



the filing fees). To review the rule, [click here](#). As a general rule, in civil cases, the trial court may not permit an appellant to proceed on appeal in forma pauperis unless it is permitted by a statute (law) or constitutional right.

Step by step:

1. File a Notice of Appeal with the District Court that decided your case. A Notice of Appeal is the document that tells the District Court, the Wyoming Supreme Court and the other parties to your case that you want to appeal the District Court's decision. If using the Notice of Appeal form provided by the Court, you need to fill in all of the blanks on the form. Follow these guidelines:
 - a. Print the name of the county and judicial district where your court case was heard. Print the case number from your court case. These items can be found on any of the court documents that were filed in your case that you are appealing.
 - b. Use the same caption you have been using in the District Court. Print so that it is easily readable.
 - c. You need to identify the judgment or order that you are appealing. To do this, fill in the spaces on the Notice of Appeal form with the date of the judgment or order from your case (this is the date the Clerk filed it).
 - d. Include with your Notice of Appeal one certified check or money order in the amount of \$70.00 made out to the District Court that heard your case and another certified check or money order in the amount of \$95.00 made out to the Wyoming Supreme Court.
 - e. Sign and date the Notice of Appeal, print your name, address and phone number.
 - f. You also need to fill out the certificate of service and make sure that you send a copy of the Notice of Appeal, and all supporting documents, to the other party in the case and the Clerk of the Wyoming Supreme Court.
 - g. **You must include the Complaint that started the case in the District Court and a copy of the judgment or final order issued by the District Court.** Attach these documents to your Notice of Appeal that you file with the District Court.
 - h. File the complete Notice of Appeal (Notice of Appeal, the Certificate of Service, the Complaint, the Judgment or Final Order, and the 2 checks for the filing fees) with the District Court that originally heard your case.



2. If you are getting transcripts, you will also file a Certificate Concerning Transcripts with the District Court. This tells the District Court that you have requested transcripts and have arranged for the payment.
 - a. Make sure you complete the Certificate of Service and send a copy of the Certificate Concerning Transcripts to the other party and to the Clerk of the Wyoming Supreme Court.

Filing a Notice of Appeal is only the first step in the appeals process. You will need to carefully read the Wyoming Rules of Appellate Procedure and follow them exactly in order to continue with your appeal. If you do not meet deadlines during the appeal, your case may be dismissed. You can review the Wyoming Rules of Appellate Procedure on the Wyoming Supreme Court's website at: <http://www.courts.state.wy.us/Supreme/CourtRule?CourtRuleCategoryID=14>.

You may also find it helpful to read the article, Anatomy of a Wyoming Appeal: A Practitioner's Guide for Civil Cases, which can be found here: <http://repository.uwyo.edu/wlr/vol16/iss1/6/>.

